Single Bench

(B)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 3910 /2004
(Petition under article 226/ 227 of the Constitution of India)

P.R. No. 3908/04
Presented by Shri Arpan Kashyap
dated 15/10/04

PETITIONER : Lalit Ram Bengali, aged about 57 years S/o Kaladas Bengali, working as Head Master, Middle School Budheni, Magarlode, R/o village Budheni, District Dhamtari (C.G.)

Vs

RESPONDENTS : 1) State of Chhattisgarh through the Secretary, General Administration department, D.K.S. Building Raipur, C.G.

2) District Education Officer, Dhamtari District Dhamtari, C.G.

3) Principal, Middle School Budheni, Magarlode, District Dhamtari,

4) Principal, Middle School Khapri, Dhamtari, District Dhamtari, (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, ORDERS AND DIRECTONS ETC.

XI-HC-22

(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3910/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-4-2005 Mr. Vishnu Koshta, counsel for the petitioner. Mr. G.K. Beriwal, Deputy Advocate General for the State/respondents. Heard both the counsel. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality and propriety of orders dated 31-7-2004 and 30-9-2004, whereby the petitioner has been transferred from the post of Head Master, Primary School, Budheni, Magarlode to Primary School, Khapri, Dhamtari, and also that the representation made by the petitioner in pursuance of this Court's order has been rejected without assigning reasons. The petitioner was working as Head Master of Primary School, Budheni from where he was transferred by order dated 31-7-2004. The petitioner challenged the transfer, however on the request of counsel for the petitioner, the petitioner was allowed to make a representation to respondent No.2. However, the same was rejected vide order dated 30-9-2004. The case of the petitioner is that the petitioner was transferred without assigning any reason, whereas, out of total strength of 8 teachers, only 3 teachers are working including the petitioner, even then the petitioner has been transferred, and nobody has been posted in place of the petitioner, thereby the students' interest is affected. Reply has been filed on behalf of the State/respondents in which it has been mentioned that the petitioner been transferred on administrative exigency. During the course of arguments, learned counsel for the petitioner argued that after the transfer, even the petitioner has not been paid the salary, whereas he was working continuously as Teacher. Moreover, he has	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3910/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

been placed under suspension. Therefore, a direction be issued to the respondents to reinstate the petitioner and the petitioner is ready to comply with the order.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, I do not find any substance in this writ petition for the reason that the petitioner has not been able to make out a case for intervention by this Court by invoking extra ordinary jurisdiction, as it is the settled law that transfer is an incidence of service and no employee can ask for any particular posting at a particular place and for particular tenure. Therefore, the writ petition is liable to be dismissed and it is accordingly dismissed.

However, if the petitioner moves an application to respondent No.2 that he is ready to join at the new place of posting, then respondent No.2 shall consider the case of the petitioner sympathetically for his reinstatement, and also if any back wages are not paid to the petitioner for which he is legally entitled, then that can also be considered by respondent No.2.

Consequently, M.(W.)P.No.4322/2004 and I.A.No.2136/2005 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma

(पीछे देखिये)